

On motion of Senator Stephens, Senate bill No. 112, a bill to be entitled "An act to reorganize the Thirty-first, Thirty-second and Thirty-ninth judicial districts of, and to create the Forty-fifth and Forty-sixth judicial districts of the State of Texas, to fix the times for holding courts therein, and to provide for the appointment and election of judges and district attorneys in the Forty-fifth and Forty-sixth judicial districts, and to repeal all laws in conflict herewith,"

Was made the special order for Friday next.

Senate bill No. 27, a bill to be entitled "An act to establish the Peabody Normal College of Texas, to provide for its location, and to make an appropriation for the support of the same for the two years ending in June, 1890 and 1891,"

Was laid before the Senate, and Read the third time and passed by the following vote:

YEAS—23.

Abercrombie,	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Burges,	Morris,
Burney,	Pope,
Clalborne,	Seale,
Frank,	Simkins,
Glasscock,	Sims,
Harrison,	Townsend,
Ingram,	Tyler,
Jarvis,	Woodward.
Kimbrough,	

NAYS—5.

Allen,	Johnson,
Cranford,	Stephens.
Field,	

On motion of Senator Lane

Senate bill No. 82, a bill to be entitled "An act to prevent unlawful combinations in restraint of commerce and trade, to insure free competition in all branches thereof throughout the State of Texas, to define said offense, and punish persons violating the same,"

Was made the special order for Thursday morning after morning call, to be considered with Senate bills Nos. 47 and 86, embracing the same subject matter.

On motion of Senator Pope,

The Senate adjourned till ten o'clock to-morrow morning.

## SEVENTEENTH DAY.

SENATE CHAMBER,  
AUSTIN, January 26, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Burges,

The reading of the Journal of yesterday was dispensed with.

On motion of Senator Townsend,

Senator Jarvis was excused until next Tuesday, on account of important business.

## BILLS AND RESOLUTIONS.

By Senator Townsend:

A bill to be entitled "An act to amend articles 166 and 166a of the Penal Code of the State of Texas, as amended by an act approved April 2, 1887, passed by the Twentieth Legislature, regulating sales on Sunday."

[This bill provides that all places of business shall be permitted to remain open before 9 o'clock a. m., and after 4 o'clock p. m., on Sunday, and that the preceding article shall not apply to sales of burial or shrouding material, newspapers, ice, ice cream, milk, nor to sending telegraph or telephone messages, nor to keepers of drug stores, hotels, boarding-houses, restaurants, livery stables, barber shops, bath-houses or ice dealers, nor to telegraph or telephone offices, which shall be permitted to remain open all day. The fine for violating the first part of this amendment shall not be less than twenty-five nor more than fifty dollars, and each day shall constitute a separate offense.]

Referred to Judiciary Committee No. 2.

By Senator Townsend, by request:

A bill to be entitled "An act to regulate the sale of cotton in the seed and to provide a punishment for its violation."

[This bill provides,

1. That purchasers of cotton in the seed shall keep a list of the names of the persons from whom said cotton was purchased and as far as possible the names of the owners of the land on which the cotton grew.

2. That said list shall be filed with the county clerk at the end of each month.

3. That for the violation of the pro-

visions of this act the fine shall be not less than twenty-five nor more than two hundred and fifty dollars, each failure to report to be a separate offense.]

Referred to Committee on Agriculture.

By Senator Field:

A bill to be entitled "An act to amend article 2332, title XXXIX, of the Revised Civil Statutes of the State of Texas, and to add thereto an article to said title to be known as article 2332a."

[The bill amends article 2332 so that certified copies of the entries of the clerk on the execution docket shall be evidence in all cases in which the execution and the return of the officer therein would be evidence, and article 2332a provides that when an execution is levied on lands in another county than that from which the writ issued, the officer issuing the same shall make his return thereon and deliver same to clerk of county court of county where levy is made, who shall enter a settlement as provided for in article 2332 in his execution docket and return same immediately to court from which writ issued, and unless such statement is so entered on execution docket the lien acquired by virtue of such levy on real estate shall not be valid as against subsequent purchasers for value and without notice and subsequent lien holders in good faith.]

Referred to Judiciary Committee No. 1.

By Senator Abercrombie:

A bill to be entitled "An act to amend section 4 of an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78, of the Revised Civil Statutes as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act, passed by the Senate January 30, 1884."

[This bill provides that all available public school funds shall be appropriated in each county for the education alike of white and colored children, and the schools for each race in the same district shall be maintained the same length of time. It also provides that it shall take effect from and after its passage.]

Referred to Committee on Education.

By Senator McDonald:

"Joint resolution authorizing the Attorney General to bring suit for the State for the violation of the State copyright to the Supreme Court and Court of Appeals reports, and to make an appropriation therefor."

Referred to Judiciary Committee No. 1.

By Senator Glasscock:

A bill to be entitled "An act to provide for the giving notice of the pendency of actions and proceedings in the courts of this State affecting titles to real property, and for the registration of such notices."

Referred to Committee on State Affairs.

By Senator Pope:

A bill to be entitled "An act to repeal article 797, chapter 17, of the Penal Code."

[This refers to the fraudulent disposition of mortgaged property.]

Referred to Judiciary Committee No. 2.

By Senator Harrison:

A bill to be entitled "An act to amend an act entitled an act to regulate the condemnation of property in cities and towns for the purpose of opening, widening or changing public streets, avenues or alleys, or for water mains or sewers, approved March 28, 1883."

[This so amends as to apply to any city or town, whether incorporated under general laws or by special charter, and provides for the appropriation of any toll bridge as a part of street for free public travel, and that this act shall apply to the property of corporations also.]

Referred to Judiciary Committee No. 1.

The President gave notice of signing and did sign in open Senate,

Substitute House bill No. 319, a bill to be entitled "An act for the relief of railway companies chartered since January 1, 1887, which have failed or may fail to comply with article 4278, Revised Statutes."

Senate bill No. 43, a bill to be entitled "An act to purchase State convict farms and improve the same, and work convicts thereon, and to make an appropriation therefor,"

Being the special order, was laid before the Senate and read the second time, with a favorable committee report.

Senator Morris moved to

Amend section 2 by inserting after

the word "disposal," in line 4, the words "and not employed inside of the walls of the penitentiary, or at work incident or necessary thereto."

Also amend said article by adding after the word "penitentiaries," in section 3, line 9, the words, "and work incident to and necessary to the carrying on of said employment inside the walls of said penitentiaries."

Adopted.

Senator Frank moved to amend by adding:

"Section 5. Whereas, the character of lands, the purchase of which is contemplated by this act, are rapidly enhancing in value, and delay in the purchase thereof would result in great expense to the State, create an emergency and an imperative public necessity exist requiring the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is so suspended, and this act shall take effect and be in force from and after its passage and it is so enacted."

Adopted.

Senator Lane moved to

Amend by adding after the word "labor," in line 11, section 1, the following: "Such land shall be adapted to the production of corn, cotton and sugar cane."

Adopted.

Senator Allen moved to

Amend lines 11 and 12 in section 1 so as to read as follows: By striking out all after the word labor: "The purchase of the land shall be of such a nature as that when purchased it shall be in one body."

Senator Townsend offered the following substitute for Senator Allen's amendment:

"Provided, that no purchase of farms shall be made by the board until they have realized a sufficient sum from the net earnings of the convicts now worked to enable them to pay cash for same."

The substitute was lost.

Senator Morris moved to

Amend section 4 by inserting after the word "land," in line 5, the words "as nearly as practicable in one body or in tracts as nearly contiguous to each other as practicable."

Accepted, and the amendment as accepted was adopted.

Senator Simkins offered the following proviso:

"Provided, that not more than one hundred thousand dollars of the amount so appropriated shall be used to purchase lands."

Lost.

(Senator Johnson in the chair.)

(President in the chair.)

Senator Townsend moved to

Amend by providing that the land so purchased be located in the north-western portion of the State.

Lost.

The bill as amended was ordered engrossed by the following vote:

YEAS—18.

Abercrombie,  
Allen,  
Atlee,  
Burges,  
Clalborne,  
Field,  
Frank,  
Glasscock,  
Ingram,

Johnson,  
Kimbrough,  
Lane,  
McDonald,  
Morris,  
Pope,  
Seale,  
Sims,  
Woodward.

NAYS—8.

Armistead,  
Cranford,  
Harrison,  
Maetze,

Simkins,  
Stephens,  
Townsend,  
Tyler.

ABSENT—1.

Burney.

The President announced the following appointments:

Senator Ingram, chairman of the Committee on Contingent Expenses, vice Senator Douglass, resigned, and

Senator Atlee, chairman of the Committee on Privileges and Elections, vice Senator Douglas, resigned.

Senate bill No. 18, a bill to be entitled "An act to amend chapter 4, title XCV, of the Revised Civil Statutes of the State of Texas, by adding thereto article 4761a,"

Was laid before the Senate on its second reading.

On motion of Senator Townsend,

The bill was postponed until next Tuesday, and

On motion of Senator Lane,

The bill was made the special order for that day after morning call, and from day to day until disposed of.

Senate bill No. 20, a bill to be entitled "An act to amend section 26 of an act entitled an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78, of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns, assuming and having assumed control of their public free schools, and all the

laws and parts of laws in conflict with said act."

Was laid before the Senate and read the second time with a favorable committee report.

Senator Sims moved to amend by striking out in the lines 22 and 23 the words "upon a pro rata distribution thereof."

The amendment was lost, and  
The bill was ordered engrossed.

By permission Senator Pope sent up the following committee report: —

COMMITTEE ROOM,  
AUSTIN, January 25, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 5, entitled "An act to correct abuses and prevent unjust discriminations and extortion in the rates of freight and passenger tariff on the different railroads in this State, to prevent pooling, to establish reasonable maximum rates of charges for the transportation of passengers and freight on said railroads, to prohibit railroad companies, corporations and lessees in this State from charging other than just and reasonable rates, and to provide adequate penalties for the enforcement of the same, and prescribe a mode of procedure and rules of evidence in relation thereto, and also to create a board of railway commissioners and to prescribe their powers and duties in relation to the same,"

Have had the same under consideration, and a majority of the committee instruct me to report it back to the Senate with the recommendation that it do pass with the accompanying amendments.

All of which is respectfully submitted.

POPE,  
Chairman.

Bill read first time.

#### COMMITTEE AMENDMENTS.

Amend line 8, section 4, by adding after the word "corporation" the following: "or run in connection or having running arrangements therewith."

Amend line 5, section 4, by adding after the word "classification" the words "as much or."

Amend line 10, section 4, by adding after the word "subject" these words: "wholly or in part."

Amend line 4, section 5, by striking

out the words "description of," and insert after the word "freight" the words: "of the same classification."

Amend section 5 by adding "which consent may be withdrawn by said commission on thirty days' notice."

Amend line 2, section 7, by inserting in the blank on line 2 "twenty-five cents."

On line 3, add before the letter "A" the words "of the first class."

Strike out after word "State," on line 3, section 7, all to word "according," in line 5

Strike out in lines 6 and 7 all after "for" to "said."

Amend section 7 by adding thereto "And a charge for carrying freight of the first class shall be the highest allowed to be charged by said railroad as upon any freight, and no freight shall be classified higher than of the first class, and no railroad company shall charge more for the transportation of any of said other classes of freight than reasonable and just charges therefor, proportionate to the maximum rate herein fixed for first class freight, which said classification and proportionate maximum rates shall be ascertained and determined in the manner hereinafter prescribed."

Amend section 8, line 2, by striking out the word "be" and insert in lieu thereof the words "not exceed."

Amend section 8, line 11, by striking out "half an" and insert in lieu thereof the word "one."

Add to section 8 the following:

"Provided, that all depot waiting-rooms shall be kept open and properly lighted and heated for one hour prior to the schedule time of departure of all passenger trains, and until each passenger train actually departs."

Amendments to section 9:

In line 3, after word "State," strike out all up to and inclusive of word "business," in line 4.

In line 10, after word "commissioners," strike out all up to and inclusive of word "prescribed," in line 11.

In line 7, page 5, strike out word "provisions," and insert in lieu thereof the words "his duties under."

Amendments to section 10:

In line 8, page 5, strike out words "fifteen hundred," and insert in lieu thereof the words "two thousand."

In lines 2 and 3, page 6, strike out words "pass and repass over," and insert in lieu thereof the words "accept free transportation from."

In lines 3 and 4 strike out words "free of any charge whatever."

Amendments to section 11:

After word "months," in line 3,

strike out all down to and inclusive of the word "State," in line 11, and insert in lieu thereof the following: "After this act takes effect to define what freight shall constitute first-class freight as used in this act, and to subdivide and classify all other kinds of freight into their appropriate classes or subdivision. And taking the said maximum rate of twenty-five cents as a basis, the commissioners to be appointed under this act, shall fix and establish reasonable and just maximum charges for the transportation of each and all of said classes of freights, properly adjusting the said maximum rate of twenty-five cents to said each class of freight, and to large and small quantities and to shorter and longer distances; said maximum rates in no case to exceed the maximum herein established, which said classification and maximum rates shall be observed by all railroads subject to the provisions of this act."

Amendments to section 12:

In line 5 strike out word "twenty" and insert in lieu thereof the word "thirty."

In line 8 strike out second word, "places," and insert in lieu thereof "stations."

Amend section 13 by adding thereto the following:

"It shall be the duty of said commissioners to pass rules and regulations requiring connecting or intersecting lines of railroads in this State to make as close connections with trains of other roads as the nature of their business will permit, and shall require all passenger trains to wait the arrival of delayed trains a reasonable time in order that connection may be made."

In section 14, lines 7 and 8, strike out word "competing."

Amendments to section 17:

In line 3 strike out all after word "of" down to and inclusive of word "freight" in line 4, and insert in lieu thereof the following:

"First-class freight than the maximum herein fixed for first-class freight or shall charge a higher rate for the transportation of any other class of freight than the maximum rate fixed by the said commission for the transportation of such class or kind of freight."

In line 3, page 10, after word "him" insert "and 10 per cent of the amount so collected in addition thereto."

Senator Lane gave notice of his intention to file a minority report on the bill.

Senate bill No. 21, a bill to be en-

titled "An act to provide for the better assessment of personal or movable property in the State of Texas, liable or subject to taxation under the laws of the State,"

Was laid before the Senate and read the second time, with a favorable committee report.

Senator Burges moved to consider the bill by sections.

Adopted.

Senator Stephens moved to

Amend section No. 2, lines 2, 3 and 4, after the word "shall," as follows: "Before the assessor of taxes make and subscribe to the following oath in substance."

Senator Lane offered the following substitute for the amendment:

Amend section 2 by adding after the word "generally," in line 3, the words "or before the the tax assessor."

The substitute for the amendment was accepted and adopted.

Senator Allen moved to

Add to section 1 the following: "The assessor shall furnish each tax payer a blank inventory to be filled, and to which he makes oath."

Senator Atlee offered the following substitute for the amendment:

Amend by inserting after the word "ink" the following: "On blanks to be furnished by the Comptroller of the State."

Senator Woodward moved to

Amend by striking out in line 14 all of said line from the word "inventory" down to the second word "and" which occurs the second time in line 15.

Senator Johnson moved to adjourn till 10 o'clock Monday morning.

The motion was lost by the following vote:

YEAS—9.

Allen,  
Atlee,  
Burges,  
Claiborne,  
Harrison,

Maetze,  
Morris,  
Pope,  
Seale.

NAYS—17.

Abercrombie,  
Armistead,  
Burney,  
Cranford,  
Field,  
Frank,  
Glasscock,  
Ingram,  
Johnson,

Kimbrough,  
Lane,  
McDonald,  
Simkins,  
Sims,  
Stephens,  
Tyler,  
Woodward.

Senator Lane moved to postpone the further consideration of the bill and amendments and make them the special order for Wednesday after

call and from day to day until disposed of.

Adopted.

On motion of Senator Lane,  
The Senate adjourned until ten o'clock Monday morning.

### EIGHTEENTH DAY.

SENATE CHAMBER, }  
AUSTIN, TEXAS, Jan. 28, 1889. }

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Woodward,

The reading of the Journal of Saturday was dispensed with.

On motion of Senator Frank,

Senator Field was excused till Thursday, an account of important business.

On motion of Senator Claiborne,

Senator Harrison was excused till Wednesday, on account important business.

### REPORTS OF STANDING COMMITTEES.

By Senator Cranford:

COMMITTEE ROOM,  
AUSTIN, January 26, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 68, being "An act to amend articles 1006 and 1008 of an act passed by the Twentieth Legislature, approved March 25, 1887, entitled an act to amend articles 1006 and 1008 of an act passed by the Nineteenth Legislature, approved March 26, 1885, entitled an act to amend articles 1006, 1007 and 1008 of an act entitled an act to amend articles 1006, 1007 and 1008 of the Revised Civil Statutes of the State of Texas, approved February 21, 1879, passed by the Eighteenth Legislature and approved April 9, 1883," and find the same correctly engrossed.

CRANFORD,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, January 26, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Engrossed

Bills have carefully examined and compared

Senate bill No. 74, being "An act to amend title 34, chapter 1, of the Revised Civil Statutes,"

And find the same correctly engrossed.

CRANFORD,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, January 26, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 18, being "An act to require railroad companies in this State to provide separate coaches for passengers of different colors," and find the same correctly engrossed.

CRANFORD,  
Chairman.

By Senator Abercrombie:

COMMITTEE ROOM,  
AUSTIN, January 25, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 126, entitled "An act to amend chapter 3, title 4, of the Penal Code, by adding thereto article 103a."

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, with the following amendments, to-wit: Amend by striking out "957," in line 8, of article 103a. Further amend by striking out the words "one hundred dollars" in line 12, and inserting in lieu thereof "two hundred dollars."

The bill seeks to make the failure of any officer to submit a report in accordance with articles 951 and 956 of the Revised Civil Statutes, and fixes the penalty for such offense.

All of which is respectfully submitted.

ABERCROMBIE,  
Chairman.

Bill read first time.

By Senator Burney:

COMMITTEE ROOM,  
AUSTIN, January 26, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Education, to whom was referred

Senate bill No. 57, entitled "An act to confirm the exchange of lands made